IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/659,834	**Group Art Unit:**	2136
Applicant(s):	Tamio Saito et al.	**Examiner:**	Brandon S. Hoffman
Filing Date:	September 10, 2003	**Docket No.:**	7167-102
Title: SECURE BIOMETRIC VERIFICATION OF IDENTITY		**Confirmation No.**	5947

MAIL STOP:
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REVIEW REQUEST

Dear Sir:

In response to the Final Official Action of August 24, 2006, in which a three-month shortened statutory period for response was set to expire on November 24, 2006, and for which a three-month extension of time is being filed to extend the period for response until February 26, 2007 (February 24, 2007, being a Saturday), and for which a Notice of Appeal is being concurrently filed, applicants respectfully request a Pre-Appeal Brief Panel to review and withdraw the outstanding rejections set forth in the Official Action in view of the following remarks.

REMARKS

In the outstanding Official Action, all of the claims have been rejected. Applicants respectfully traverse.

Independent claim 30 recites two processors: a first processor coupled with an on-board sensor, and a second processor coupled with the first processor. The first processor compares captured biometric data with stored reference data and generates a verification message when a match occurs. The verification message enables the

second processor. Claims 45 and 54 also recites a verification message. The verification messages enable ISO card processors. In both claims 45 and 54, a security processor generates the verification message when a match occurs.

The Examiner relies on McPhillie et al. to teach the second/ISO card processor, as well as the verification message that enables the second/ISO card processor. In contrast to the claimed invention, however, McPhillie et al.'s secure processor (which the Examiner equates to the claimed second/ISO card processor) performs authentication after receiving any communication from the unsecure processor (first/security processor). That is, McPhillie et al.'s secure processor operates immediately upon receiving communications from the unsecure processor prior to any verification or matching and therefore prior to receiving any type of verification message. See page 10, lines 24-29 and page 13, lines 10-15. At page 13, lines 3-8, McPhillie et al. emphasize the importance of having the authentication occur in the secure processor (second/ISO card processor), actually teaching away from enabling after receiving a verification message. Thus, it can be seen that no message from an unsecure processor enables the secure processor in McPhillie et al. Rather, McPhillie et al.'s secure processor is always enabled, at least to authenticate requests for cryptographic services.

Consequently it is submitted at least the claimed unique verification message enabling the second/ISO card processor provides a basis for withdrawal of the outstanding rejections and indication of the allowability of claims 30, 45 and 54.

Dependent claims 12 and 48 have been rejected over the Examiner's proposed combination of Shen and Beatson et al./McPhillie et al. In particular, the Examiner refers to Figs. 3-5 and page 7, lines 7-12, page 12, line 21 of McPhillie et al. It is noted, however, that the portions relied upon by the Examiner disclose all data to the second/secure processor flowing through the first/unsecure processor. On the other hand, claims 12 and 48 recite all data for the security processor flowing through the ISO card processor. Thus, at least this reason, it is requested that the Examiner withdraw the rejections of claims 12 and 48.

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Claims 26 and 44 recite a secure three-way authentication protocol in which an application server ultimately forwards a challenge response to an authentication server. The Examiner relies upon a combination of Shen, Beatson et al./McPhillie et al., and Krajewski et al. to teach claim limitations. In particular, the Examiner refers to column 6, line 37-column 7, line 23 of Krajewski et al. However, it is noted that the claims recite the application server forwarding a message to the authentication server, whereas in Krajewski et al. no such communication is described. The application server of Krajewski et al. is only described as receiving information from the client and is not described as forwarding any information to the authentication server. *See* column 7, lines 20-24. Thus, at least this reason provides a basis for an indication of the allowability of claims 26 and 44.
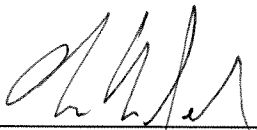
It is believed there are a number of claim limitations that the prior art does not teach or suggest. Accordingly, for all of the reasons noted above, applicants respectfully request the Pre-Appeal Brief Panel to withdraw the outstanding rejections set forth in the Official Action.

Respectfully submitted,

IVI Smart Technologies, Inc.

Dated: February 23, 2007

By _____

Alan M. Lenkin
Reg. No. 40,063

Customer No. 000167
Fulbright & Jaworski L.L.P.
555 South Flower Street
Forty-First Floor
Los Angeles, CA 90071
Phone: (213) 892-9237
Fax: (213) 892-9494
E-mail: alenkin@fulbright.com